

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

01 JUN 27 PM 3:58

ERIC VON CAMMACK,

Plaintiff,

VS.

CALHOUN COUNTY JAIL,

Defendants.

CV 01-BU-1024-M

ENTERED

JUN 27 2001

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 11, 2001, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on June 11, 2001.

This action was dismissed because plaintiff named only the Calhoun County Jail as a defendant and the Calhoun County Jail is not a legal entity subject to suit. The magistrate judge also explained under what circumstances a prisoner is entitled to be protected from assault by a fellow inmate. Plaintiff claims that the Calhoun County Jail knew that the inmate who assaulted him was dangerous because he had attacked other inmates. Plaintiff still did not claim that the inmate had threatened him, that he had told a particular officer who failed to protect him, and then named that officer as the defendant in this lawsuit.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is

ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b).

A Final Judgment will be entered.

DATED this 20th day of June, 2001.



H. DEAN BUTTRAM, JR.
UNITED STATES DISTRICT JUDGE